App. F. IX-4

192 7-28 (Law)

File No. 3-27

Previous References

L.K. 153-26, 1-8

Serial Nos. 1—4

Later References

P

V

General and Revenue Secretariat.

Serial Nos. Four

Part B for March 28

SUBJECT

Notice on behalf of Sankaya Rao, Mamara-
ao Venkoji Rao, Nerlahalli, Sante Kodchalli
Kanthanhalli Taluk

To

The Hon'ble Chairman
No. P 31 3-28 Dy 5741
returns the records

By Jyotishpur
15/11/28

GENERAL AND REVENUE SECRETARIAT.

NOTES. Laws File No. 3

FILE HEADING.

Notice no 8 - from D. Sharma Rao on behalf of Iraivans of Nerlakatte

From D Sharma Rao Advocate on behalf of Iraivans of Nerlakatte

No. Dated 1.8.27 Received 4.8.27

Diary No.	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that- S. No 106 sold him and confirmed by S.D.O was set aside by D.C appeals to R.C and Govt were dismissed a Suit will be filed for declaration of title and damages

NOTES AND ORDERS.

R. Secy's orders on Notice "Call for a report on the facts of the case to enable me to take further action arises to date" signed D.N

Subd Draft subs to R.C calling for report - the Revenue branch may after receipt of draft be requested to put up the references

Mdale 4.8.27. Apr 5/8

Jme 6.8

WD.1881—GPB—30 000—1-8-21

Dear Mr Ahmad Shah

The connected file
LR 153-26 (168) has been recorded in April 1927 and sent to General Records. Please therefore get the collection from the Records.

17/8/27 To Mr Protection Br
17-8-27

17/8

Lt. Ahmad Shah

Secy

General and Revenue Secretariat. | File No. of 192

V/P to the Rev Comm
Nop 866 d 10.8.27
Calls for a report

Filed
The Revenue branch may now be requested to put up references regarding the 3 cases in which suits are threatened and notices sent.

Mccc
15/8/27
Rec'd 15/8

Reply)

28
17/8

Lr 153-26.
Sh 158
15 April 1927

MTVN

the Reply R.C. should legalwaited. orders.

Mccc
23/8/27

Filed with the remarks

9/9/27

Issue
9/9

Nop 1454 d 10th Sep. 27

Reminder filed.

Mccc
14.11.27
Rec'd 14/11

Issue
28
16/11

Nop 2545 d 16/11/27

Issue
18/11
27/11

Issue the Rev comm. No C668/27-28 for report with the connected files as requested by the notices. The notices have been returned as requested. The Rev. Comm. is of opinion that suits are not maintainable

NOTE—Contn. sheet.

WD 0324 -GPB-60,000--24-5-27

4145

App. F. III—2]

General and Revenue Secretariat.

Law File No. 3 of 1927

Serial No.

Subd for perusal The Report of R.C gives all the outstanding facts and R.C considers that no suit-ct maintainable The said lands were plotted and advertised for sale. The sale was held on 29-8-1924 and lands were knocked down for abt 300 Rs. Before the sale was confirmed certain reps objected but S.D.O rejected their objections Then D.C was appealed to and the sale was set-aside with an undertaking that a bid of 7600/- would be made for the lands out of which sum, Rs 400 was deposited D.C cancelled sale on account of irregularity and directed resale The parties appealed to the Rev: Comr which was rejected They appealed to Govt who declined to interfere with the order of the Rev Commissr dated 26-2-1929. The notices are at Flag.

Abdul
22/2

The threatened suit may well be defended. No reply need be given

Govt
Abdul
25/2

draft subd returning records to R.C

Abdul
29.3.28.

To the Rev Comm
No 5741 of 31/3/28
Returns the record

Govt
Abdul
29/3

4

Govt
5/4

NOTE—Contn. sheet.

B
Govt
7.1.29

WD 0324 -GPB-60,000-24-5-27

Registered for acknowledgement.

D. SHAMA RAO, B.A., LL.B.
ADVOCATE

BALEPET,

Bangalore City, 1st August 1927.

By regd post
From. Br
3/8

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Sir,

See my remarks on similar notice
8
4.8

I am instructed by my client Samboji Rao, residing at Nerlahatti, Santekodahalli Hobli, Kankanhalli Taluk, to give you notice as follows

It appears that on the application of my client Survey No. 107 measuring 5 acres at Nerlahatti Village was sold by public auction on the 29th August 1924 and that my client purchased it for Rs. 84-0-6. My client deposited the sale amount duly. On the recommendation of the Amildar, the Sub Division Officer of Closepet confirmed the sale. Saguvali chit was granted to my client and he was duly put in possession of the land also. The patta of the land was also made in his name. He has been paying Kandayam to the Government since then.

Then one Hare Gowda and Sadasiva Rao preferred an appeal to the Deputy Commissioner, Bangalore District on the ground that they were prepared to pay more money and that the sale should be set aside. The Deputy Commissioner set aside the sale and ordered resale. My client then appealed to the Revenue Commissioner against the order of the Deputy Commissioner. The appeal was dismissed He then appealed to the Government. But the appeal was summarily dismissed. He then presented a review petition before the Dewan Saheb who was also pleased to reject it.

The sale in favor of my client was regularly conducted. The records will show that the sale is free from irregularitie

illegalities and fraud and that it should not have been set aside merely on the ground that a third person has offered more money than what was realised in the sale. The land being gomal land the price my client paid was quite fair. Inasmuch as my client has improved the land at considerable expense and inasmuch as he has been paying kandayam as Khatedar for the past 3 years it is hardly just and fair that he should be deprived of the land at this distance of time. The orders passed by the Deputy Commissioner, Revenue Commissioner and the Government are all illegal and have resulted in substantial loss to my client. I, therefore, beg to inform that if the Government are not pleased to reconsider the matter and confirm the land to my client, he will institute legal proceedings against the Government for declaration of his title to the land and damages at the risk of the Government having to bear all the costs of my client.

Yours faithfully,

D Ramachandra

Registered for acknowledgment.

699
P 827

D. SHAMA RAO, B.A., LL.B.
ADVOCATE
BALEPET,

Bangalore City, 1st August 1927

To The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,

Sir,

I am instructed by my client, Venkoji Rao, residing at Nerlahatti, Santekodahalli Hobli, Kankanhalli Taluk, to give you notice as follows:

It appears that on the application of my client Survey No. 108 measuring 5 acres at Nerlahatti Village was sold by public auction on the 29th August 1924 and that my client purchased it for Rs. 50-8-0. My client deposited the sale amount duly. On the recommendation of the Amildar, the Sub Division Officer of Closepet confirmed the sale. Saguvali chit was granted to my client and he was duly put in possessi of the land also. The patta of the land was also made in his name. He has been paying kandayam to the Government since then.

Then one Mare Gowda and Sadasiva Rao preferred an appeal to the Deputy Commissioner, Bangalore District on the ground that they were prepared to pay more money and that the sale should be set aside. The Deputy Commissioner set aside the sale and ordered resale. My client then appealed to the Revenue Commissioner against the order of the Deputy Commissioner. The appeal was dismissed. He then appealed the Government. But the appeal was summarily dismissed. He then presented a review petition before the Dewan Saheb who was also pleas to reject it.

The sale in favor of my client was regularly conducted. The records will show that the sale is free from irregularities, illegali

illegalities and fraud and that it should not have been set aside merely on the ground that a third person has offered more money than what was realised in the sale. The land being gomal land, the price my client paid was quite fair Inasmuch as my client has improved the land at considerable expense and inasmuch as he has been paying kandu yam as Khatedar for the past 3 years it is hardly just and fair that he should be deprived of the land at this distance of time. The orders passed by the Deputy Commissioner, Revenue Commissioner and the Government are all illegal and have resulted in substantial loss to my client. I therefore, beg to inform that if the Government are not pleased to reconsider the matter and confirm the land to my client, he will institute legal proceedings against the Government for declaration of his title to the land and damages at the risk of the Government having to bear all the costs of my client.

Yours faithfully,

D Ramachandra

Registered for acknowledgment.

700
1927

D. SHAMA RAO, B.A., LL.B.
ADVOCATE

BALEPET,

Bangalore City, 1st August 1927.

1 Up post
8.27

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Sir,

I am instructed by my client Uramara residing at Nerlahatti, Santekodahalli Hobli, Kankanhalli Taluk, to give you notice as follows:-

It appears that on the application of my client Survey No. 106 measuring 5 acres at Nerlahatti Village was sold by public auction on the 29th August 1924 and that my client purchased it for Rs. 81-0-6. My client deposited the sale amount duly. On the recommendation of the Amildar, the Sub Division Officer of Closepet confirmed the sale. Saguvali chit was granted to my client and he was duly put in possessi of the land also. The patta of the land was also made in his name. He has been paying Kandayam to the Government since then.

Then one Hare Gowda and Sadasiva Rao preferred an appeal to the Deputy Commissioner, Bangalore District on the ground that they were prepared to pay more money and that the sale should be set aside. Th Deputy Commissioner set aside the sale and ordered resale. y client then appealed to the Revenue Commissioner against the order of the Deputy Commissioner. The appeal was dismissed. He then appealed to the Government. But the appeal was summarily dismissed He then presented a review petition before the Dewan Saheb who was also pleased to reject it.

The sale in favor of my client was regularly conducted. The records will show that the sale is free from irregularities, illegali-

illegalities and fraud and that it should not have been set aside merely on the ground that a third person has offered more money than was realised in the sale. The loan being, in fact, less than the price my client paid was quite fair. Inasmuch as my client has improved the land at considerable expense inasmuch as he has been paying the yearly instalment for the past 3 years it is hardly just and fair that he should be deprived of the land [illegible] Moreover as by the [illegible], Revenue Collector and the Government are all aware of and have resulted in substantial loss to my client I, therefore, beg to inform that if the Government are not pleased to reconsider the matter and confirm the land to my client, he will institute legal proceedings against the Government for declaration of his title to the land and damages at the risk of the Government having to bear all the costs of my client.

Yours faithfully,

D. Ranawaka

VI. Gl.]

JBJECT.....

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.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 10/8/27

Signed by M. T.

List of enclosures.....

Copied by Dec 10/8/27

Examined by.....

4

Section Law

File No. 3-27

Serial No 2

No. 8866 (3)

To

The R. C

Sir,

I am directed to forward copies of notices dated 1-8-27 from Mr D. Shaw Roa ... a 1/4 half of Iramara, Venkoya & a 1/4 Sambaya Roa ... J. Nerlakatte in the matter of setting aside Sale No 106, Sale No 108 of S. R. 07 and to request that report may be furnished in the three cases at an early date

Thaver

28/6.8 for Secy to Govt Law Dept

over

4145 P 27

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

No. C.668/27-28. Encls

Dated Bangalore 16th February *192* 8

FROM

P. G. D'SOUZA, ESQ., B.A., B.L.,
REVENUE COMMISSIONER IN MYSORE.

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore
Law Department, *Bangalore.*

Subject:- Notice served on Government by Uramara, Venkoji Rao and Samboji Rao of Nerlahatti village Kankanhalli taluk, regarding cancellation of sale of survey Nos. 106, 107 and 108 of the village.

Sir,

With reference to your letter No P.866 (3) dated 10-8-1927 calling for a report in connection with the notices served on Government by Uramara, Venkoji Rao and Samboji Rao of Nerlahatti village, Kankanhalli taluk, in the matter of setting aside the sale of survey Nos. 106, 107 and 108 of the village, I have the honour to forward herewith the marginally noted files of papers received from the Deputy Commissioner, Bangalore District, and to state as follows:-

1 Vernacular file ending with Closepet Sub Division Officer's No. A.2.2017/27-8 dated 10-9-1927.
2 Deputy Commissioner's office file No. B1-359/25-26
3 Do. B1-R.1231/26-7.

On the darkast of some people for survey Nos. 105, 106, 107 and 108 which are 5 acres each in extent and which have been phoded out of gomal survey No. 82 of Ganganhalli village, Kankanhalli taluk, the said numbers were advertised for sale. The sale was held on 29-8-1924 by the sheikdar and the lands were knocked down to the previous persons mentioned

.P.T.O.

mentioned above the realisations being as per margin.

S. No.	Extent.	Amount realised.	Cess.
105	5 acres	69 0 0	6 7 6
106	Do.	75 0 0	7 0 6
107	"	75 0 0	7 0 6
108	"	46 0 0	4 5 0
		265 0 0	24 13 6

Before the confirmation of the sale some ryots petitioned to the Amildar that ~~they were~~ they were not aware of the sales held, that they were not held in public, that they (the ryots) were prepared to bid for the lands and that they would pay Rs.20/- more than what had already been realised if the sales were to be cancelled and resales ordered. The Amildar reported the matter to the Sub Division Officer who regarded the above objections as untenable and confirmed the sales of survey Nos. 105, 106 and 107 in his order dated 14-10-1924. The sale of survey No. 108 was confirmed by the Amildar himself as it was within his competancy.

Against this order of the Sub Division Officer the ryots appealed to the Deputy Commissioner. The grounds of objections pressed were, that the lands were valuable containing tamarind trees which gave an annual yield of Rs.150/-, that the sale was not held near the land but in the village after sunset, that the persons who purchased the lands in the auction were those who owned lands, that their bids were low, that the appellants were prepared to bid for and purchase the lands for Rs.500/- if a resale was held, that they were prepared to deposit Rs.400/- as an earnest of their bonafides and that if they failed to bid for a sum not less than Rs.500/- the amount of Rs.400/- which they would

would deposit might be forfeited to Government. Thereupon the then Deputy Commissioner late Mr. Venkoba Rao cancelled the sales on account of irregularities in their conduct and ordered a resale to be held with Rs.500/- which the appellants had offered as the initial bid.

Samboji Rao and others who first bought the land for a low price, appealed to this office against the order of the Deputy Commissioner and prayed for confirmation of the first sale and grant of compensation. The appeal was rejected by this office. They then preferred an appeal to Government who granted an endorsement to them stating that they saw no reason to interfere with the Revenue Commissioner's order nor order the payment of compensation to them (vide Government Order No. R.5359/L.R.153-26-8 dated 26-2-1927)

The parties have now served notices on Government stating that the lands may be confirmed to them and that otherwise they would institute legal proceedings against the Government for declaration of their titles to the lands. Their suit is not maintainable.

The notice received with your letter under reference and also this office file No. App.348/25-26 are enclosed.

I have the honour to be,
Sir,
Your most obedient servant,

Revenue Commissioner.

V.V.

A. P. F. VI. G1]

SUBJECT.....

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Section Learn

File No. 3-27

Serial No. 4

Diary No. of letter replied to.....

No. 5741 Records

General and Revenue Secretariat

( )

the *192*

To The Rev. Comr.

Date of issue 31/3/28

Sir

I am directed to return

Signed by

the records received with your

Mem letter no C668/27-28

d 16 Feb 28 in connection with the

notice served on Smt. G Uramma

Venkoji Rao and Sambaji Rao of

Nerlahalli Village Kankanhalli

Taluk regarding cancellation of

sale of Survey nos 106, 107 and 108

of the village. ~~Who have decided to~~

~~await the threshold suit~~

I have &c

List of enclosures.....

for Secy to Govt

Law Dept.

Copied by

Examined by

over 30/3